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Sent time: 02/28/2014 10:31:53 AM
To: randal.p.vigil@usace.army.mil; Meade, Chris
Subject: FW: 1950; Juneau Access Improvement Project Supplemental Environmental Impact Statement
Attachments: FS_correspondence.doc

Hello,

Here are the Forest Service comments that Chris requested. I included Randal on the e-mail so that the COE could also have the comments.

If you hear anything from the Federal Highway Administration or the AK DOT, please include me in your replies. I will do the same.

Sue Jennings

Forest Planner

Tongass National Forest

907-772-5864 (office)

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File Code: 1950

Date: February 24, 2014

Tim A. Haugh
Environmental Program Manager
US Department of Transportation, Federal Highway
Administration
P.O. Box 21648
Juneau, AK 99802-1648

Dear Mr. Haugh:

Thank you for providing the Preliminary Draft Supplemental Environmental Impact Statement for Cooperating Agency review. Your review of the project updates since corresponding with the Tongass National Forest in May 2012 was very helpful. I also appreciate your including agency contacts and the project website; both of these were helpful during the review.

Due to the length of the document, 10 chapters and 23 appendices, we were only able to do a cursory review in the 30 days. For the next Cooperating Agency review of the Draft Supplemental Environmental Impact Statement, we would like to have 60 days so that we can do a complete and thorough review. Due to the limited time, only a few of our resource specialists had an opportunity to do a quick review and we would like to have more resource specialists review the next Draft SEIS. Overall it is very difficult to provide meaningful review of documents that continually tier to multiple earlier analyses, some of which we were unable to locate/access with such a short time for review.

Also the documents are not prepared to Forest Service standard per Forest Service Manual direction. This could have been rectified with a closer, more regular working relationship, with the consultant and proposing agencies, including earlier and more frequent interagency consultation.

A more thorough review may help identify more areas of concern to limit the number of appeals and litigations, which will help the project move faster.

Attached is a list of our concerns. If you have questions or need clarification, please contact Sue Jennings, Forest Planner, at 907-772-5864 or sjennings@fs.fed.us. Sue will be able to put you in touch with resource specialists if you would like more frequent interagency consultation.

Sincerely,

/s/ Forrest Cole
FORREST COLE
Forest Supervisor



cc: Beth Pendleton

Susan Jennings

Mike Vigue

DOT&PF Project Manager

Ken Post

Robin Dale

Brian Logan

Comments on the Juneau Access Project Improvement Project Preliminary Draft SEIS

February 21, 2014

General Note

The comments are broken into two parts, the first part is a quick review of the Preliminary Draft SEIS and the second section is a quick review of the wildlife, Old-growth Habitat, and subsistence analysis.

When referencing sections of the Tongass Land and Resource Management Plan (Forest Plan), please include referenced page numbers so readers can find the referenced material.

Quick Preliminary Draft SEIS Review

Section

2.2.9 Alternatives Determined Not Reasonable After Publication of the 2005 Supplemental Draft EIS

The following alternatives were evaluated as reasonable in the 2005 Supplemental Draft EIS but were dropped from consideration in the 2006 Final EIS after the Federal Highway Administration (FHWA) determined they would take Section 4(f) protected lands within the Skagway and White Pass District National Historic Landmark (NHL) (see Chapter 6.0 for more information on the Section 4(f) applicability determination).

Concern

Pages 2-5 and 6, Section 2.2.9 does not fully disclose or explain why Alternative 2 was determined not reasonable. The explanation in Chapter 6 does not seem sufficient. A reasonable person would ask why the Juneau Access Project could not be designed to bypass Skagway and connect directly with the existing highway, as shown on Figure 3-1.

Also, the National Historic Park area should be shown on Figure 1 under land ownership, the figure does not make sense or support your decisions when the NPS is not shown. A footnote could explain that the NPS does not own the buildings in Skagway but does limit disturbance of the historical buildings in the Klondike Gold Rush National Historical Park.

The write up in Chapters 2, 3, 4, and 6 does not support the determination that Alternative 2 is Not Reasonable.

Section

3.1.1 Land Use

The project area includes federal, State, local, and private lands. Most of the federal lands are within the Tongass National Forest and are managed by the U.S. Forest Service (USFS). The Klondike Gold Rush National Historical Park (NHP) in Skagway is administered by the National Park Service (NPS).

Concern

Page 3-1, this section includes all of the federal lands in federal lands, including the Klondike Gold Rush National Historical Park (NHP). In the discussion of each land owner in the next sections, the NHP is not included. Since the NHP resulted in the elimination of the original preferred alternative, it needs to be

discussed and mapped, page 2-31, Figures 2-2 to 2-4. The NHP needs to show in the map legend as land ownership in Figure 3-1.

Section

3.1.1.1 United States Forest Service

Non-Development LUDs

Wilderness LUD Group

Wilderness – Preserve essentially unmodified areas to provide opportunities for solitude and primitive recreation. Limit motorized access.

Concern

Page 3-2, Please change the sentence “Limit motorized access” to “Wilderness motorized access is “not permitted, except where authorized by ANILCA or to access surrounded state and private land and valid mining claims subject to stipulations to protect Wilderness resources and values.” (Forest Plan page 3-22) In the rest of the country, Wilderness Areas do not permit motorized access so a strong explanation is needed.

Section

3.1.1.1 United States Forest Service

Old-Growth Habitat – Maintain old-growth forests in a natural or near-natural condition for wildlife and fish habitat.

Concern

Page 3-2, Based on comments and litigation, I suggest adding this sentence “New road construction is generally inconsistent with Old-growth Habitat LUD objectives, but new roads may be constructed if no feasible alternative is available.” (Forest Plan page 3-61)

Section

3.1.1.1 United States Forest Service

Roadless Areas as a Resource

Concern

What will support the Secretary’s determination that “no other reasonable and prudent alternative exists?” [36 CFR 294(b)(6)] There is no discussion on the Secretary’s determination in this section.

Page 3-5, Roadless Areas as a Resource: delete “and was fully implemented beginning in March 2012” and place a period after “System.”

Page 3-5, Roadless Areas as a Resource: The Chief does not review “all” proposals; some tree removal has been delegated to Regional Foresters. Suggest leaving out “Chief” and just say “Forest Service” since the Chief doesn’t review everything.

Page 3-6, 1st paragraph: delete “The IRAs and unroaded areas in the Tongass National Forest are managed according to the management prescriptions for the LUD they are designated in, as described in the 2008 TLRMP.”

Page 3-6, 1st paragraph: Is it true that 91 percent is roadless?

Page 3-6, bullet 4, IRA 305 is listed but there is no discussion about the impacts to IRA 305 in the following paragraphs. If there are no effects, that should be stated.

Page 3-7, 2nd paragraph: How can an IRA include unroaded areas?

Section

3.1.1.2 State of Alaska

Concern

Page 3-8, this should be the NPS discussion and the state discussion should come later.

Section

4.3.1.3 Land and Resource Uses

Concern

Page 4-36, Roadless Areas: This section says the road is 100' wide but page 4-1 says it is 300'.

Page 4-36, Roadless Areas: Recommend deleting from "repositioning" to "substantially" and starting paragraph with "Alternative 2b reduces the amount..." It should also be noted that the roadless area boundary would not change; it would still just be a road within the IRA.

Page 4-36, Footnote 11: Does this extension cover all of Alternative 2b (i.e. have all the effects of 2b on roadless already occurred?)

Section

4.3.3.4 Consistency with USFS Scenic Integrity Objectives

Concern

Page 4-40, Eldred Rock to Katzeihin Ferry Terminal, states that the Low SIO is not feasible. Are there mitigation measures planned to meet the Forest Plan requirement to maintain this area as a Low SIO as stated in the Forest Plan on page 3-132?

Section

4.4.1.3 Land and Resource Uses

Concern

Page 4-92, 1st paragraph: Check 100' vs. 300' for this and other alternatives.

Page 4-92, 2nd paragraph: see comment about "repositioning" for Page 4-36 (same goes for discussion of all alternatives)

Typically, roadless effects in Forest Service analyses have direct effects (e.g. acres of timber harvest) and indirect effects (the distance from the road) where the effects begin to taper off (1200 feet) in this "zone of influence" (expressed in acres). The Roadless resource report in the appendix addresses this but it is not discussed in the EIS.

Section

4.4.13 Marine and Freshwater Habitat and Species

Concern

Pages 4-125, if ferry operations are closed during the herring spawning period, what effect would that have on this alternative? There is no discussion of effects to travelers, costs, subsistence impacts, and impacts to commercial fishers including herring harvest and ponding for herring eggs on kelp.

Section

4.6.1.2 Consistency with Land Use Plans

Concern

Page 4-151, the USFS manages first by meeting all law, executive orders, and regulations, such as the Roadless Rule in the Code of Federal Regulations (CFRs) and then manages according to the LUDs. Please include a Roadless sentence in this section.

Section

4.6.1.3 Land and Resource Uses

Concern

Page 4-152, Roadless Areas: Recommend deleting from “repositioning” to “substantially” and starting paragraph with in the second paragraph. It should also be noted that the roadless area boundary would not change; it would still just be a road within the IRA.

Section

4.4.13 Marine and Freshwater Habitat and Species

Concern

Pages 4-171, if ferry operations are closed during the herring spawning period, what effect would that have on this alternative? There is no discussion of effects to travelers, costs, subsistence impacts, and impacts to commercial fishers including herring harvest and ponding for herring eggs on kelp.

Section

4.7.9 Climate Change

Concern

The road will require timber harvest and Forest Service timber sales have had appeal points requiring us to disclose the effects on climate change due to the change in the ability to sequester carbon once the trees have been cut. While these effects may not be meaningful in a global context and are at such a minor scale that the effects would likely be meaningless to a reasoned choice among alternatives, it would be prudent to disclose them and provide the context. Suggest reviewing the Big Thorne Timber Sale EIS to see how this issue was addressed.

The analysis discusses increased storm intensity but it doesn’t cover what kind of adaptive measures may be used to prevent impacts to the road such as oversizing culverts, increased rip-rapping, strengthening bridge abutments, erosion control measures, etc.

Page 4-212: If there is private land that could contribute to cumulative effects it should be considered (40 CFR Section 1508.7 states mentions that cumulative effects consider "...regardless of what agency (Federal or non-Federal) or person undertakes such other actions.")

Section

6.2 Parks and Recreation Areas

6.2.1 Designated Parks and Recreation Areas

"The only federal park in the project area is the Skagway unit of the Klondike Gold Rush National Historical Park in downtown Skagway (Figure 3-6)."

Concern

This should be Figure 3-5, Figure 3-6 is historic mining districts. This should be corrected throughout Chapter 6.

Section

6.4.2 Skagway and White Pass District National Historic Landmark

"The boundaries of the Skagway and White Pass District NHL (Figure 3-6) include natural areas surrounding Skagway and the Klondike Highway. As noted in Section 2.2.9, Alternatives 2, 2A, and 2C, which were evaluated in the 2005 Supplemental Draft EIS for the Juneau Access Improvements Project, passed through natural areas within the NHL.

In its comments on the 2005 Supplemental Draft EIS, the Office of the Secretary, U.S. Department of the Interior, made clear the NPS position that all natural areas within the NHL contribute to the factors that make the landmark historic (Taylor, 2005). Furthermore, the NPS believes this contribution is documented in the Boundary Justification of the 1999 nomination. The Boundary Justification states, in part: "sufficient natural areas have been included so as to provide an understanding for the physical setting and cultural landscape that defined the historic corridor" (NPS, 1999). Based on this language, the NPS position on its meaning, and existing FHWA guidance, FHWA has determined that natural areas within the NHL are protected by Section 4(f). Because these natural areas within the NHL were integral to Alternatives 2, 2A, and 2C and could not be avoided by these alternatives, and because several other reasonable alternatives are under consideration and do not use Section 4(f) property, Alternatives 2, 2A, and 2C have been dropped from the range of reasonable alternatives."

Concern

People may not agree that there are "several other reasonable alternatives under consideration", based on the Forecast Demand and Latent Capacity, Thirty-Six-Year Life Cycle Costs, Operating Costs, and Travel Time as displayed in Chapter 4 and in Table 2-26. The discussions outlined in Chapter 2 and Chapter 6 does not justify eliminating Alternatives 2, 2A, and 2C from further consideration. I am not suggesting that you add back the alternatives, that decision has been made, I am suggesting that you strengthen your write-up or risk appeals and litigation.

Tongass NF Wildlife comments on Wildlife, Subsistence, and Old Growth analyses for the Juneau Access Improvements, 2014 SEIS

General comments:

1. Subsistence (ANILCA section 810) Analysis

The subsistence analysis for this project does not conform to US Forest Service standards presented in Forest Service Handbook 2090.23. The analysis for each alternative needs to address each evaluation criteria and present a finding. Depending on the finding, notices, hearings, and determinations may be necessary.

The EIS and associated appendices acknowledge that for some alternatives, changes may occur to subsistence resource populations and habitats, increases in access, and increases in competition with non-subsistence hunters to the extent that these changes “could require re-evaluating harvest limits and current management”. However, the analysis does not clarify the magnitude of these direct effects. No harvest data is presented to show existing levels of harvest in the area and by whom. ADF&G should be able to provide current harvest information.

Additionally, the analysis does not present the rationale for those alternatives with the conclusion that no significant restriction would occur, in spite of the acknowledged impacts. For example, the analysis for Alternative 2B states:

“Based on the 1998 USFS subsistence study, the 1994 ADF&G analysis of subsistence impacts, 2003 scoping comments for the Supplemental Draft EIS, Supplemental Draft EIS hearing and written comments, and an analysis of these sources of information, FHWA has determined that Alternative 2B would not significantly restrict subsistence uses.”

The “1998 USFS subsistence study” and the “1994 ADF&G analysis of subsistence impacts” are not included in the references and also are not included or summarized in the affected environment portion of the analysis (the affected environment section primarily summarized the TRUCS data). Thus, the reader/decision maker is not able to independently evaluate this information. We were not able to locate the Draft EIS hearing and comments in the documents provided or on the project website (The Tongass Forest Plan requires that this be part of the environmental analysis, see page 4-68). The 2003 scoping comments barely mention subsistence. The relevant information from these sources should be summarized in the analysis and the rationale explained so the decision maker can make an informed decision and the reader understands the basis for the conclusion. In short, “the analysis” referenced above is not presented and the conclusion seems arbitrary without the supporting documentation.

2. Old Growth reserve system

The EIS clarifies that the road corridor would overlay the TUS LUD on lands that are currently in the OG LUD. However, even though the action could be consistent with the Forest Plan, this EIS needs to display the effects of the road on the Old Growth reserve system. Currently the EIS

mentions the number of acres of old-growth forest that would be lost but does not display the impact of the loss of those acres. For example, page 4-77 states:

“... To comply with USFS policy, the USFS would need to analyze the impact and determine in conjunction with ADF&G whether the boundaries of the Old-Growth LUDs would need to be adjusted to retain the viability of the Old-Growth Habitat LUDs to function as links in the overall old-growth habitat conservation strategy for the national forest.”

It is the purpose of this EIS to “analyze the impact” of the alternatives on affected resources. Therefore, an Interagency (ADFG, USFWS, USFS) analysis needs to determine whether the affected old-growth reserve components would still meet the criteria established in Appendix K of the Tongass Forest Plan, and Appendix D of the 2008 Forest Plan EIS. If OGR boundaries are in need of modification, a non-significant forest plan amendment would be required. (Forest Plan K-2 “Project-level reviews will ensure that OGRs meet Forest Plan OGR criteria while addressing forest-wide multiple use goals and objectives. There are two levels of review included in the project-level review: 1) the interagency review, and 2) the decision process.”)

3. Biological Assessment

3.2 Project Sequencing and Timeline, Page 15: “In-water work would take place from June 16 through March 14 of specific construction years to avoid impacts to fish...” Please clarify whether this would mitigate all impacts to fish or just to fish spawning. This statement is made numerous places throughout the document and the implication is that this mitigation removes all impacts to fish.

Table 6-2. It would be helpful to show the change in distance to the haul-outs between the previous and current road alignments.

Clarify where the noise monitoring sensors will be located. The document indicates noise will be monitored “at the haul-out”. However, later in the document there are statements that the monitors will not actually be located at the haul-outs. Please clarify where the sensors will be installed and how this information will be used to determine noise levels at the haul-outs.

Several sections of the document discuss allowing barge landings within 1000-feet of the haul-outs instead of the previous 3000-feet, based on “increased efficiency”. However, this increased efficiency is never demonstrated. Some information showing this increased efficiency, e.g., a decrease in operational days within the 3000-foot buffer would help the argument for this change.

4. Biological Evaluation for Alaska Region of the US FS sensitive species

There does not appear to be a Biological Evaluation for this project that meets the standards detailed in the Forest Service Manual 2670 and R-10 supplement number R-10 2600-2005-1.

The EIS acknowledges that the Alaska Region of the FS updated its sensitive species list in 2009. However, not all current sensitive species are addressed. The current list includes: Queen Charlotte goshawk, Aleutian tern, Kittlitz’s murrelet, black oystercatcher, and dusky Canada

goose. Note that the trumpeter swan is no longer a sensitive species (page 3-65). In addition, Candidate species designated by the USFWS and NMFS are automatically included as well as delisted species for five years following their delisting. The yellow-billed loon and Pacific herring - southeast Alaska DPS are candidate species that occur in southeast Alaska and the recently delisted Steller sea lion – eastern DPS are all species that should be addressed in the BE as sensitive species. Federally listed threatened and endangered species and their critical habitat are also addressed in the BE. For the difference in a BE and BA see FSM 2670.

5. Management Indicator Species

2014 Draft EIS, Page 3-64. Provide rationale why only eight MIS were used for the analysis. It is acceptable that not all MIS are addressed but the rationale should be documented (see Forest Plan page 4-89, Wild1.II.E and FSM 2621).

Section 3.3.5.2 (page 3.65). This section presents a hodge-podge of general habitat information and species specific information that lacks focus and cohesion. The affected environment section should present information on species habitat, natural history, and management plan (e.g., Forest Plan standards and guidelines etc.) needs pertinent to the expected effects of the project actions.

6. Threatened and Endangered Species

Section 3.3.7, page 3-72. Please correct your definition of a threatened species something like: “A threatened species is defined as one *likely to become* in danger of extinction throughout all or a significant portion of its range *within the foreseeable future*.”

Same section, update information on Steller sea lions.

Section 3.3.7.1 Humpback Whale. Update the status of humpback whales, i.e. proposed for delisting. Also, this background information is very limited, which may be ok for the EIS but reference more detailed background information in BE or BA.

Section 3.3.7.2 Steller sea lion. You might note in this section that the delisted eastern DPS is now an Alaska Region FS sensitive species as a result of being delisted.

7. General Wildlife

Species analyses tend to be incomplete and/or inconsistent. For example, not all parts of the actions are addressed (e.g., analysis discusses disturbance but not habitat loss etc.). The analysis includes no discussion of whether Forest Plan standards and guidelines are met for those species that have S&G in the FP.

Ensure affected environment section contains sufficient and appropriate information to compare actions to and draw conclusions from. For example, how many bald eagle nests are in the analysis area (only the number surveyed is included in the affected environment section)? For Alternative 2B it appears that more nests are within 0.5 miles than were surveyed. If this is the case, it seems most if not all nests would be impacted, yet the analysis states there will be no population level effects.

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More use of the scientific literature to substantiate statements, particularly about animal behaviors would benefit the credibility of the analysis.

Reviewed by:

Dennis Chester, Juneau Ranger District Wildlife Biologist

Brian Logan, Tongass National Forest, Forest Wildlife Biologist